

# Notice of Allowability

Application No.

10/716,510

Examiner

Lori Amerson

Applicant(s)

REITZ ET AL.

Art Unit

3764

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/27/06.
2. ☒ The allowed claim(s) is/are 1-9 and 21-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/11/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Allowable Subject Matter***

1. Applicant's remarks filed 1/27/06 are persuasive, therefore, claims 1-9 and 21-25 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest singularly or an obvious combination of a an apparatus and method comprising the steps of providing an exercise chair with a seat, pivot linkage connected to the seat, front leg support connected to the linkage to determine a knee joint axis, a rear back support connected to the linkage to define a chair hip joint axis, a seat back, fulcrum pivot spaced above the hip joint axis and connect to the seat back and linkage and the steps comprising a user occupying the chair in an upright position, positioning the knee joints of a user in alignment with the chair knee joint axis, positioning the hip joints of a user with the chair hip joint axis and exerting a rearward force on the back to rotate the front leg support about the knee joint axis from a rest position to a raised position and where the back about the fulcrum pivot from the upright position to a backward inclined position and relaxing the rearward force to enable the front support to return to a rest position as recited in claims 1, 9, 21; further including the step of alternating the exerting and relaxing rearward force on the back to rotate the front leg supports about the knee joint axis between the rest and raised position and rotating the back about the fulcrum pivot between the upright position and backward inclined position as recited in claim 5; and further including a pair of laterally spaced, stationary upstanding rigid rear supports, a pair of laterally spaced upstanding front supports pivotal about a transverse axis at a lower end and a pair of laterally spaced horizontal supporting arms having a seat, where a first pivot connects a

forward end of each arm to the upper end of the front pivotal support, a seat back is connected to the rearward end of the arms by a second pivot and a third pivot is connecting the upper end of each of the rear supports and the seat back, and where the third pivot is located at a position spaced above the second pivot, and the third pivot is adjustable in relation to the back and rear supports to adjust the distance between the second and third pivots to vary the force to move the seat and back between upright and reclined positions when exerting a rearward force on the seat as recited in claims 23-24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lori Amerson". The signature is fluid and cursive, with the first name "Lori" and last name "Amerson" clearly distinguishable.

Lori Amerson